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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,081	02/03/2004	Holger Bohle	09282.0044-00	1661
60668 7590 07/22/2009 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER SENSENG, SHAUND				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
07/22/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/772,081

## Applicant(s)

BOHLE, HOLGER

## Examiner

Shaun Sensenig

## Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### DETAILED ACTION

This action is in response to papers filed on March 31, 2009.

Claims 1-16 have been amended.

No claims have been cancelled.

No claims have been added.

Claims 1-16 are pending.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 9-16** are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions. The Office's guidance to examiners is that a § 101 process must entail the use of a specific machine or transformation of an article which must impose meaningful limits on the claim's scope to impart patent-eligibility. See *Gottschalk v. Benson*, 409 U.S. 63, 71-72 (1972). Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See *Parker v. Flook*, 437 U.S. 584, 590 (1978). The "curriculum management system", as presented in claim 9, performs the insignificant extra-solution activity of receiving and determining without performing any processing activities. Moreover, while the claimed process contains physical steps (scheduling, receiving, determining, processing), it does not involve transforming an article into a different state or thing. Therefore, Applicants' claim is not drawn to patent-

eligible subject matter under § 101.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss et al. (Patent Number 5,692,125) (hereafter referred to as Schloss).**

6. In regards to **Claims 1 and 9**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor of:

(a) scheduling a booking of a course to be taken by a learner, (Abstract, lines 1-2, *shows a scheduling system*)

(b) receiving input from the learner requesting a modification to the booking;  
(Abstract, lines 12-13, *shows modification of scheduled event*)

(c) determining whether the booking represents an individual booking or a curriculum booking; (Column 11, lines 9-12, *checks to see if the first event has any subsequent connected events: no would show an individual booking and yes would show a curriculum booking*) and

(d) processing the modification to the booking based on at least whether the booking represents an individual booking or a curriculum booking. (Column 11, lines 9-12, *checks to see if there are any subsequent connected events and processes accordingly*)

Schloss does not explicitly disclose wherein a link is created to associate the user with the event and event information, however, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have included creating a link to associate the user with the event and event information in order to increase efficiency and usability by ensuring that any information regarding an established user/event relationship is maintained for further use (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Schloss does not explicitly disclose using the link to determine whether the booking represents an individual booking or a curriculum booking, however, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have included using the link to determine whether the booking represents an individual booking or a curriculum booking in order to increase efficiency by using already established information to ensure that unnecessary or repetitive activity is minimized (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

7. In regards to **Claims 2 and 10**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein:

(a) the modification comprises re-booking the course; (Column 8, lines 40-41)  
and

(b) processing the modification comprises not re-booking the course, when the booking represents a curriculum booking. (Claim 2 and Claim 8, *shows that if condition is NOT met (such as NOT a curriculum course), the modification IS performed (such as DO rebook the course)*)

8. In regards to **Claims 3 and 11**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein:

(a) the modification comprises re-booking the course; (Column 8, lines 40-41)  
and

(b) processing the modification comprises, when the booked course represents an individual booking: (Column 11, lines 9-12 **and Claim 2 and Claim 8, shows that if condition is NOT met (such as NOT a curriculum course), the modification IS performed (such as DO rebook the course)**)

(i) performing a consistency check with respect to other courses in the curriculum; (Claim 8) and

(ii) re-booking the course based on an outcome of the consistency check.  
(Claim 8)

9. In regards to **Claims 4 and 12**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein:

(a) the modification comprises canceling the course; (Column 8, lines 40-41) and  
(b) processing the modification comprises not canceling the course when the booking represents a curriculum booking. (Claim 2 and Claim 8, *shows that if condition*

*is NOT met (such as NOT a curriculum course), the modification IS performed (such as DO cancel the course))*

10. In regards to **Claims 5 and 13**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein:

- (a) the modification comprises canceling the course; (Column 8, lines 40-43) and
- (b) processing the modification comprises, when the booking represents a curriculum booking: (Column 8, lines 40-43)
  - (i) canceling the course; (Column 8, lines 40-43)
  - (ii) identifying one or more additional courses within the curriculum for which bookings are invalidated by canceling the course; (Column 8, lines 40-43) and
  - (iii) canceling each of the identified additional courses. (Column 8, lines 40-43)

11. In regards to **Claims 6 and 14**, Schloss discloses:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein:



(a) the modification comprises canceling the course; (Column 8, lines 40-43 and Column 14, lines 57-61)

(b) the course belongs to a sequence of courses within the curriculum; (Column 8, lines 40-43 and Column 14, lines 57-61) and

(c) processing the modification comprises, when the booking represents a curriculum booking: (Column 8, lines 40-43 and Column 14, lines 57-61)

(i) canceling the course; (Column 8, lines 40-43)

(ii) identifying one or more additional courses within the curriculum that are later in the sequence of courses than the cancelled course (Column 8, lines 40-43)

(iii) canceling each of the identified additional courses that are later in the sequence than the cancelled course. (Column 8, lines 40-43)

12. **Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss in view of The Columbia Institute e-Campus School Policy Manual November 2002 (hereafter referred to as Columbia).**

13. In regards to **Claims 7 and 15**, Schloss does not explicitly disclose following-up on a booking after an entire curriculum has been completed, however, Columbia teaches:

A method and computer program product comprising a memory device storing instructions that, when executed by a processor, cause the processor to perform a method for managing a curriculum, the method comprising the steps performed by the processor, wherein

(a) the modification comprises follow-up; (Page 2, line 1-2) and  
(b) processing the modification comprises, when the booking represents a curriculum booking: not performing the follow-up to the course until the curriculum has been completed. (Page 2, line 1-2)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Schloss so as to have included the following-up on a booking after an entire curriculum has been completed taught by Columbia in order to ensure usability by keeping accurate records of course completions (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Examiner notes that according to the specification (page 1, line 26) a curriculum may consist of only one course.

**14. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss in view of Papadopoulos (Patent Number 6,099,320).**

15. In regards to **Claims 8 and 16**, Schloss does not explicitly disclose following-up on a booking before a curriculum has been completed, however, Papadopoulos teaches:

A computer program product, tangibly embodied in an information carrier, for use with a curriculum management system that manages a curriculum comprised of at least

a course, the computer program product being operable to cause data processing apparatus to perform operations, wherein

(a) the modification comprises a follow-up to the course; (**Column 8, lines 51-56**) and

(b) processing the modification comprises, when the booking represents a curriculum booking: performing the follow-up to the course even if the curriculum has not been completed. (**Column 8, lines 51-56**)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Schloss so as to have included the following-up on a booking before a curriculum has been completed taught by Papadopoulos in order to ensure compliance to curriculum rules ensuring that all requirements are met prior to giving credit for curriculum completion (See KSR [127 S Ct. at 1739] "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."), since doing so could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

### ***Response to Arguments***

1. Applicant's arguments filed March 31, 2009 have been fully considered but they are not persuasive.
2. I. Rejection of Claims under 35 U.S.C. §101

Applicant has added the use of a processor to several of the steps in amended Claim 9. The processor is not however connected to a machine (such as a computer), and in fact could be a human being. It is suggested that Applicant connect the processor to a machine (such as a computer) in at least one of the method steps (such as the determining step) in the claim.

3. II. Rejection of Claims under 35 U.S.C. §102 and 35 U.S.C. §103

Applicant's arguments in regards to the 35 U.S.C. §102 and 35 U.S.C. §103 rejections are moot in view of the new prior art rejections.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./  
Examiner, Art Unit 3629  
July 20, 2009

/JOHN G. WEISS/  
Supervisory Patent Examiner, Art Unit 3629